

Carlos Hernández
Mayor

Paul B. Hernández
President

Oscar De la Rosa
Vice President



Council Members
Katharine Cue-Fuente
Jacqueline Garcia-Roves
Monica Perez
Jesus Tundidor
Carl Zogby

City Council Meeting Minutes November 26, 2019 7:00 P.M.

Call to Order

REPORT: Councilwoman Cue-Fuente called the meeting to order at 7:03 p.m.

Roll Call

REPORT: City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:

- Councilwoman Katharine Cue-Fuente
- Councilwoman Jacqueline Garcia-Roves
- Councilman Oscar De la Rosa
- Councilman Paul Hernandez
- Councilwoman Monica Perez
- Councilman Jesus Tundidor
- Councilman Carl Zogby

REPORT: Also present were:

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

REPORT: Marbelys Fatjo, City Clerk, led the invocation.

Pledge of Allegiance to be led by Councilwoman Cue-Fuente

REPORT: Councilman Caragol led the Pledge of Allegiance.

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk, in English and by Brigitte Leal, Office Coordinator, Office of the City Clerk, in Spanish.

1. PRESENTATIONS

- A. Pre-session legislative review by State Representative Bryan Avila.

REPORT: State Representative Bryan Avila addressed the Mayor and City Council and provided each with a copy of his PowerPoint Presentation.

2. ELECTION OF COUNCIL PRESIDENT AND COUNCIL VICE PRESIDENT

- A. Election of Council President pursuant to §3.01 (c) of the Hialeah Charter.

REPORT: Motion to Elect Paul Hernandez as Council President made by Councilman Tundidor, and seconded by Councilwoman Perez. Motion passed 6-0-1 with Councilwoman Garcia-Roves voting "No".

- B. Election of Council Vice President pursuant to §3.01 (c) of the Hialeah Charter.

REPORT: Motion to Elect Oscar De la Rosa as Council Vice President made by Councilman Tundidor, and seconded by Councilwoman Perez. Motion passed 7-0.

3. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Item K has been corrected to reflect the requesting department as Streets.
- The proposed services for Consent Items M and P have been corrected.
- Additional backup to Consent Item T has been placed on the dais for the City Council's review.
- Items PZ 1, PZ 2, PZ 5 and LU 2 are postponed until December 10, 2019.
- The property owner for LU 2 has been corrected.

4. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Councilman Tundidor requested separate discussion on Consent Items K and X.

REPORT: Council President Hernandez requested separate discussion on Consent Item P.

REPORT: Council Vice President De la Rosa requested separate discussion on Consent Item I.

REPORT: Councilwoman Perez requested separate discussion on Consent Items V, W, B, M, and T.

REPORT: Motion to Approve the Consent Agenda, except Items B, I, K, M, P, T, V, W and X, made by Councilman Zogby, and seconded by Council President Hernandez. Motion passed 7-0.

A. Request permission to approve the minutes of the Council Meeting held on November 12, 2019. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Report of Scrivener's Error – Resolution No. 2019-141 of the City Council Meeting of October 22, 2019 was passed and adopted with an error. Section 1 of the Resolution should be amended as follows:

~~“The Mayor and the City Council of the City of Hialeah, Florida, hereby override the denial of the Final Decision that did not...”~~

The stricken language should have been omitted from Section 1 of the Resolution.

(LAW DEPT.)

APPROVED 7-0

REPORT: Lorena Bravo, City Attorney, City of Hialeah, addressed the City Council regarding this item.

REPORT: Motion to Approve Consent Item B made by Council President Hernandez, and seconded by Councilwoman Perez. Motion passed 7-0.

- C. Report of Scrivener's Error – Ordinance No. 2019-024 of the City Council Meeting of March 12, 2019 was passed and adopted with an error. The ordinance was missing Exhibit “A”, the conceptual site plan and renderings prepared by Juan Jose Leon, RA. A copy of Exhibit “A” is attached to the ordinance. (LAW DEPT.)

APPROVED 7-0

- D. Report of Scrivener's Error – Ordinance No. 2019-023 of the City Council Meeting of March 12, 2019 was passed and adopted with an error. The ordinance was missing Exhibit “A”, the conceptual site plan and renderings prepared by Juan Jose Leon, RA. A copy of Exhibit “A” is attached to the ordinance. (LAW DEPT.)

APPROVED 7-0

- E. Report of Scrivener's Error – Ordinance No. 2019-021 of the City Council Meeting of March 12, 2019 was passed and adopted with an error. The ordinance was missing Exhibit “1”, the Modification of Declaration of Restrictions. A copy of Exhibit “1” is attached to the ordinance. (LAW DEPT.)

APPROVED 7-0

- F. Report of Scrivener's Error – Ordinance No. 2019-017 of the City Council Meeting of March 12, 2019 was passed and adopted with an error. The ordinance was missing Exhibit “A”, the legal description. A copy of Exhibit “A” is attached to the ordinance. (LAW DEPT.)

APPROVED 7-0

- G. Request permission to issue a purchase order to Image Trend, Inc., sole source vendor, for a software licensing agreement for Electronic Patient Care Reporting (ePCR), in a total cumulative amount not to exceed \$82,056. (FIRE DEPT.)

APPROVED 7-0

- H. Request permission to utilize Minnesota Multistate Contracting Alliance for Pharmacy Contract No. MMS24001, a competitively bid governmental contract, since it is advantageous to the City, and issue a purchase order to Cardinal Health 110, LLC., doing business as Cardinal Distribution, for the purchase of pharmaceuticals, vaccines, and medical supplies, in a total cumulative amount not to exceed \$45,000. (FIRE DEPT.)

APPROVED 7-0

- I. Request permission to award Hialeah Invitation to Bid No. 2018/19-3210-00-014 - *Construction of NW 87th Avenue / West 28th Avenue from West 52nd Street to 80th Street Sidewalk / Guardrail Improvements* to Metro Express Inc., lowest responsive and responsible bidder, in the amount of \$354,035. Further request a twelve percent contingency for unknown field conditions that may arise during construction in the amount of \$42,484.20, for a total cumulative expense amount not to exceed \$396,519.20. (STREETS)

APPROVED 7-0

REPORT: Jose Sanchez, Director of Streets, City of Hialeah, 900 East 56 Street, addressed the City Council regarding this item.

REPORT: Motion to Approve Consent Item I made by Council President Hernandez, and seconded by Councilman Zogby. Motion passed 7-0.

- J. Request permission to approve the recommendation of the City's Selection Committee and award the Construction Engineering & Inspection (CEI) Services for the construction of West 28th Avenue from 52nd Street to 80th Street, Sidewalk / Guardrail Improvements to R.J. Behar & Company, Inc., highest ranked firm by the City's Selection Committee in response to Request for Qualifications No. 2017/18-3210-00-002, and issue a purchase order to this vendor for said services, in a total cumulative amount not to exceed \$39,960, with a maximum of \$39,656 to be funded by the Florida Department of Transportation. (STREETS)

APPROVED 7-0

- K. Request permission to award the paving of NW 102nd Avenue from 142nd to 145th Place (Phase II), to Acosta Tractors Inc, in a total cumulative amount not to exceed \$1,085,639.02, which includes a ten percent contingency for unknown field conditions that may arise during construction. This vendor was awarded Phase I - NW 102nd Avenue from 138th to 142nd Street on November 27th, 2018. (STREETS)

APPROVED 7-0

REPORT: Jose Sanchez, Director of Streets, City of Hialeah, 900 East 56 Street, addressed the City Council regarding this item.

REPORT: Motion to Approve Consent Item K made by Councilman Zogby, and seconded by Councilman Tundidor. Motion passed 7-0.

- L. Request permission to waive competitive bidding, since it is advantageous to the City in that this agency sources and supplies most of the fire rescue departments in Broward County, and issue a purchase order to Broward Sheriff's Office Fire Rescue Regional Logistics, for the purchase of supplies for fire suppression and fire prevention, and other fire-related equipment including emergency medical equipment and supplies for the City's fire rescue personnel, in a total cumulative amount not to exceed \$20,000. (FIRE DEPT.)

APPROVED 7-0

- M. Request permission to issue a purchase order to Zoll Medical Corporation, sole source vendor, to complete the purchase payment of the Auto-Pulse System with Pass Thru (Automatic CPR machine), in a total cumulative amount not to exceed \$41,325.87. (FIRE DEPT.)

APPROVED 7-0

REPORT: Williams Guerra, Chief, Hialeah Fire Department, addressed the City

Council regarding this item.

REPORT: Motion to Approve Consent Item M made by Councilwoman Perez, and seconded by Councilwoman Garcia-Roves. Motion passed 7-0.

- N. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Florida Waste Holdings, Inc, doing business as Waste Connections of FL, vendor providing the lowest quotation overall, for the disposal of special waste from storm drains, as necessary, throughout the year, in a new total cumulative amount not to exceed \$15,000. (STREETS)

APPROVED 7-0

- O. Request permission to issue a purchase order to Liquid O2 Transfills, Inc., for the pickup and delivery of medical oxygen cylinders and commercial gases to eight (8) fire stations, in a total cumulative amount not to exceed \$20,000. This is the second year of a three-year contract. (FIRE DEPT.)

APPROVED 7-0

- P. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to God is Good, Corp., vendor providing the lowest quotation, for the services of painting the facility of Goodlet Park and the Tennis Center, which will include pressure cleaning the walls, walkways, sidewalks and the entire roof, window and door caulking, as well as the repainting of the doors, ceiling, fence posts and entry wall sign, in a total cumulative amount not to exceed \$44,900 with the expenditure being funded by ASA College. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

REPORT: Joseph Dziedzic, Director of the Department of Parks and Recreation, City of Hialeah, 900 East 56 Street, addressed the City Council regarding this item.

REPORT: Motion to Approve Consent Item P made by Council President Hernandez, and seconded by Council Vice President De la Rosa. Motion passed 7-0.

- Q. Request permission to approve the City of Hialeah Selection Committee's recommendations for firm qualifications in response to Request For Qualifications No. 2017/18-3210-00-002 - *West 28th Avenue from 52 Street to 80th Street Sidewalk/Guardrail Improvements*, to the following vendors: **R.J Behar & Company, Inc., SRS Engineering, Inc., and A & P Consulting Transportation Engineers Corp.** (STREETS)

APPROVED 7-0

- R. Request permission to utilize National Joint Power Alliance (NJPA) Contract No. 030117-LTS effective through April 14, 2021, and issue a purchase order to Miracle Recreation Equipment Company, a wholly-owned subsidiary of Playpower, Inc., for the purchase and installation of a new shade structure system for Bucky Dent Park (two 24 X 40 X 12 shade structures) in the amount of \$35,969.26. Further request permission to purchase four (4) benches and four (4) trash containers through a wholly-owned subsidiary of Playpower, Inc., in the amount of \$6,421.33, for a total cumulative expense not to exceed \$42,390.59. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

- S. Request from Florida National University, located at 4425 West 20th Avenue, Hialeah, Florida, for a Temporary Street Closure Permit, for the 4th Annual Human Trafficking Awareness Walk, beginning at the West Gate of Florida National University located on West 20th Avenue, making a right on 44th Place, traveling eastbound for 0.4 of a mile until West 16th Avenue, making a right at the traffic light and traveling from West 44th Place to 42nd Place, making a right at the Shell Gas Station onto West 42nd Place traveling westbound, making a right on West 18th Avenue for 0.2 miles until the traffic light located on the intersection of West 44th Place and 18th Avenue, and lastly making a left traveling westbound until the entrance of the University, on Thursday, January 30, 2020 with the education portion of the walk commencing at 10:15 a.m. and the actual walk commencing at approximately 11:00 a.m., subject to the recommendations of the Hialeah Police Department and the Hialeah Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

- T. Request permission to issue a purchase order to Zoll Medical Corporation., sole source vendor, for medical supplies and equipment that include but are not limited to AutoPulse, LifeBands, AutoPulse Lithium Ion Batteries, AutoPulse Carry Case, X-Series Monitor Defib Pads, X-Series Monitor Carry Case, and X-Series Monitor Batteries, in a total cumulative amount not to exceed \$35,000. (FIRE DEPT.)

APPROVED 7-0

REPORT: Motion to Approve Consent Item T made by Council President Hernandez, and seconded by Councilwoman Perez. Motion passed 7-0.

- U. Request permission to utilize Lake County Florida Contract No.17-0606H - *Fire Equipment – Parts – Supplies – Service*, effective through June 30, 2020, issue a purchase order to Municipal Equipment Co., for purchase of tools and equipment, and further request permission to utilize Lake County Florida Contract No. 17-0606G - *Fire Equipment – Parts – Supplies – Service*, effective through June 30, 2020, and issue a purchase order to Municipal Emergency Services, for the purchase of tools, in a total cumulative amount not to exceed \$30,000, to be shared between both vendors. (FIRE DEPT.)

APPROVED 7-0

- V. Report of Scrivener's Error – Ordinance No. 2019-018 of the City Council Meeting of March 12, 2019. The ordinance was to rezone the Northern 11.29 acres of the property from CDH to RH-CD and granted a variance permit. Exhibit "A" that is attached to the ordinance is hereby amended to provide for Section Township and Range as requested by Miami-Dade County. (LAW DEPT.)

APPROVED 7-0

REPORT: Motion to Approve Consent Item V made by Councilwoman Perez, and seconded by Council Vice President De la Rosa. Motion passed 7-0.

- W. Report of Scrivener's Error – Ordinance No. 2018-085 of the City Council Meeting of September 11, 2018. The ordinance was passed and adopted with an error in the title and Section 1 and should be amended as follows:

In the title of the Ordinance the word *office* should be deleted and replaced as follows:

“AMENDING THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL.”

In Section 1 of the Ordinance the word *office* should be deleted and amended as follows:

Section 1: The future land use map is hereby amended from Low Density Residential to Commercial. (LAW DEPT.)

APPROVED 7-0

REPORT: Motion to Approve Consent Item W made by Councilwoman Perez, and seconded by Councilman Zogby. Motion passed 7-0.

- X. Proposed resolution authorizing the Mayor or designee to renew health insurance coverage with HCC Life Insurance Company, an Indiana Corporation, for calendar year 2020 at a rate of \$5.40 for each employee/retiree for each month for aggregate stop loss coverage in order that the insurance carrier will pay the City up to \$1,000,000.00 if paid claims exceed the predetermined aggregate stop loss attachment point and renew health insurance coverage for calendar year 2020 at a rate of \$19.60 for single coverage and \$76.47 for family coverage for each employee/retiree for each month for specific excess coverage with no lifetime maximum, for a total annual amount not to exceed \$600,000.00 for calendar year 2020. (RISK MANAGEMENT)

TABLED UNTIL DECEMBER 10, 2019 (4-3-0).

REPORT: Robert Lloyd-Still, Risk Manager, City of Hialeah, 501 Palm Avenue, addressed the City Council regarding this item.

REPORT: Eric Johnson, Local 1102, address exempt from public disclosure, addressed the City Council regarding this item.

REPORT: Motion to Table Consent Item X until December 10, 2019 made by Councilman Tundidor, and seconded by Council Vice President De la Rosa. Motion passed 4-3-0 with Councilmembers Cue-Fuente, Garcia-Roves and Zogby voting "No".

- Y. Proposed resolution authorizing the Mayor or designee to place insurance coverage with Amrisc, Hartford, and Liberty Mutual through Keen, Battle, Mead & Company for calendar year 2019-2020 in an estimated amount not to exceed \$64,257.80 for fire, windstorm and other covered perils coverage and inland marine coverage for the Department of Public Works and its water and sewer distribution facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT DEPT.)

APPROVED 7-0

- Z. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 27.0, to purchase the following vehicles from Starke Motorcars, LLC., doing business as Duval Chevrolet, in a total cumulative amount not to exceed \$204,632:

- Two (2) 2020 Chevrolet Silverado (1500) – Regular Cab 2WD - CC10903, Specification No. 103, in a total amount of \$21,717.00 per vehicle.
- One (1) 2020 Chevrolet Express- Cargo Van 135"- 1WT- CG23405 - Specification No.41, in a total amount of \$20,750.
- Four (4) 2020 Chevrolet Silverado (2500HD) - Regular Cab WT- 2WD- CC20903 - Specification No.104, in a total amount of \$35,112 per vehicle.

For a new total expense amount not to exceed \$204,632. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

5. ADMINISTRATIVE ITEMS

- 5A. Second reading and public hearing of proposed ordinance approving a Final Plat of Aquabella North Replat; accepting all dedication of Avenues, Streets, Roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property bounded on the north by West 112 Street, on the South by 1/2 of Section 16, Township 52 South, Range 40 East, on the east by the I-75 extension and on the west by 34 Court, Miami-Dade County, Florida. (ZONING)**

APPROVED 7-0

ORDINANCE NO. 2019-109

<i>Item was approved by the City Council on November 12, 2019.</i>
<i>Item was approved by the Planning and Zoning Board on October 23, 2019.</i>

REPORT: Motion to Approve Item 5A made by Councilman Zogby, and seconded by Council President Hernandez. Motion passed 6-0-1 with Council Vice President De la Rosa not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

- 5B. First reading of proposed ordinance approving the Final Plat of Hialeah Pura Vida; accepting all dedication of Avenues, Street, Roads or other Public Ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located on a parcel of land lying within the NE ¼ of Section 11, Township 53 South, Range 40 East, Miami Dade County, Florida, in Hialeah Florida. (ZONING)**

APPROVED 7-0

<i>Item was approved by the Planning and Zoning Board on October 23, 2019.</i>
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REPORT: Motion to Approve Item 5B made by Councilman Zogby, and seconded by Council President Hernandez. Motion passed 6-0-1 with Council Vice President De la Rosa not present during roll call and having recorded his vote as “Yes” after the motion to approve passed. Second reading and public hearing is scheduled for December 10, 2019.

6. BOARD APPOINTMENTS

REPORT: None.

7. UNFINISHED BUSINESS

REPORT: None.

8. NEW BUSINESS

- Councilman Tundidor spoke regarding the water franchise fee.
- Armando Vidal, Director of Public Works, addressed the City Council.
- Council Vice President De la Rosa spoke regarding the Zoom Program utilized by the Town of Miami Lakes, live streaming meetings of the Hialeah City Council, and budget workshops.
- Councilman Tundidor spoke regarding live streaming Council meetings and uploading city contracts onto the city website.
- Eric Johnson, Local 1102, address exempt from public disclosure, addressed the City Council regarding negotiations between the City and the Fire Union.
- Roberto Ortega, Local 1102, address exempt from public disclosure, addressed the City Council regarding negotiations between the City and the Fire Union.
- Vivian Casals-Munoz, 8015 West 18 Avenue, addressed the City Council regarding negotiations between the City and the Fire Union.

9. COMMENTS AND QUESTIONS

- Eric Johnson, Local 1102, address exempt from public disclosure, addressed the City Council regarding negotiations between the City and the Fire Union.
- Jose Azze, 788 Park Drive, addressed the City Council regarding several matters including the election of the Council President, live streaming City Council Meetings, the Hialeah Communications and Special Events Department, Channel 77 and funds acquired through sponsorships.

- Juan Santana, 5601 West 10 Avenue, addressed the City Council regarding the recall petition of Mayor Carlos Hernandez.
- Council President Hernandez addressed the City Council regarding his outlook and plans as President of the City Council.
- Robert Ortega, Local 1102, address exempt from public disclosure, addressed the City Council regarding City Council Meeting, thanked the candidates who allowed him to walk with the candidates while campaigning.
- Council Vice President De la Rosa advised the City council he looks forward to working with them as the Vice President of the City Council.

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item.

REPORT: All present were duly sworn in.

Attention Applicants:

- a. Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: At 10:23 p.m. there was no quorum to continue the meeting. Council President Hernandez, Council Vice President De la Rosa, Councilman Tundidor and Councilwoman Perez were not present in the Council Chambers.

REPORT: Councilwoman Perez returned at 10:25 p.m. and the Council Meeting continued.

PZ 1. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow the expansion of an existing 55 student, K-8 school to a 100 student K-12; variance permit to allow 33 95 parking spaces, where 327 are required and allow 9 of those 33 existing parking spaces to back out into the street. **Property located at 5800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

POSTPONED UNTIL DECEMBER 10, 2019.

<i>Item was postponed on November 12, 2019 until November 26, 2019 per the applicants request.</i>
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<i>On October 22, 2019 the City Council postponed the item until November 12, 2019.</i>

<i>Item was approved on first reading by the City Council on October 8, 2019.</i>
<i>On September 25, 2019, the Planning and Zoning Board approved the item with conditions.</i>
<i>Planner's Recommendation: Approval with the condition that the school remains with 60 students and 6 staff members until the proposed parking lot is completed. A Declaration of Restrictive Covenants should describe the operational plan, number of students and staff before and after the completion of the parking lot, number of high school students that will be allowed to park on premises, control method to avoid that other high school students park on the swale areas, pick-up and drop-off times and number of parking control employees to manage that process.</i>
<i>Owner of the Property: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida 33012 Larry Weeks, 740 SW 61 Avenue, Plantation, Florida 33317 Maria, Elizabeth Vitale, 155 East 61 Street, Hialeah, Florida 33013</i>

- PZ 2.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (one-family district) to TOD (Transit Oriented Development District). **Properties located at 962, 972 and 980 East 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
POSTPONED UNTIL DECEMBER 10, 2019.

<i>Item was postponed on November 12, 2019 until November 26, 2019 per the applicants request.</i>
<i>Item was approved on first reading by the City Council on October 22, 2019.</i>
<i>Registered Lobbyist: Carlos Diaz, 333 SE 2 Avenue, Miami, Florida 33131.</i>
<i>On October 2, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Eloina G. Rodriguez, Francisco C. Rodriguez, Javier A. Valdes, 962 East 26 Street, Hialeah, Florida 33013. Hialeah East 10 LLC, 1474 A West 84 Street, Hialeah, Florida 33014.</i>

- PZ 3** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District) for the legalization of an existing living unit on the second floor; and granting a variance permit

to allow a duplex on a substandard lot with frontage of 60 feet, where 75 feet are required and area of 7,320 square feet, where 7,500 square feet are required; allow 6.13 feet north side setback, where 7.5 feet is required; and allow 6.83 feet rear setback for existing accessory building, where 7.5 feet are required; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, and 98-547(a). **Property located at 1765 East 9 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-0-2

ORDINANCE NO. 2019-110

Item was approved on first reading by the City Council on November 12, 2019.

Registered Lobbyist: Alberto Cabarriocis, 15055 SW 68th Street, Miami, Florida.

On October 23, 2019, the Planning and Zoning Board approved the item with the condition that the legalizations are completed within 180 days.

Planner's Recommendation: Approval with conditions.

Owner of the Property: Stephen Manson, 1321 NE 172 Street, North Miami Beach, Florida 33162

REPORT: Alberto Cabarriocis, 15055 SW 68 Street, was present.

REPORT: Motion to Approve Item PZ 3 made by Councilman Zogby, and seconded by Council Vice President De la Rosa. Motion passed 5-0-2 with Council President Hernandez and Councilman Tundidor not present during roll call and having recorded their vote as "Yes" after the motion to approve passed.

PZ 4. Second reading and public hearing of proposed ordinance vacating and abandoning for public use the 12 foot alley extending approximately 140 feet East of an existing closed alley closed by Ordinance 2018-003, running North of the properties located at 853 East 24 Street and 859 East 24 Street and running South of the properties located at 840 East 25 Street, 860 East 25th Street and 879 East 25 Street; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1

ORDINANCE NO. 2019-111

Item was approved on first reading by the City Council on November 12, 2019.

Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida 33016.

On October 23, 2019, the item was approved by the Planning and Zoning Board.

<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: David Ortiz, 100 South Pointe Drive, Suite 2702, Miami Beach, FL 33139</i>

REPORT: Ceasar Mestre, 8105 NW 155 Street, addressed the City Council regarding this item.

REPORT: Motion to Approve Item PZ 4 made by Councilman Zogby, and seconded by Councilman Tundidor. Motion passed 6-0-1 with Council President Hernandez not present during roll call and having recorded his vote as "Yes" after the motion to approve passed.

PZ 5. First reading of proposed ordinance allowing for the site plan signed and sealed and dated March 14, 2019 by Alan D. Lerner, registered architect, and granting a variance permit to allow a rear setback of 38 feet, where 45 are required; allow a pervious area of 15.43 percent, where 20 percent is required; allow parking at the front and side of the property, where all parking is required in the rear; and allow seven occupational licenses, where no more than two occupational licenses are allowed; all contra to Hialeah Code of Ordinances §§ 98-781(2), 98-781(5), 98-782 and 98-778(2). **Property located at 135 West 49 Street, Hialeah, Florida.** Property zoned RO (Residential Office). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

POSTPONED UNTIL DECEMBER 10, 2019

<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, FL.</i>
<i>Item was postponed on October 8, 2019 until November 26, 2019 per the applicants request.</i>
<i>Item was postponed on September 10, 2019 until September 24, 2019, per applicant's request.</i>
<i>Item was postponed on August 27, 2019 per the applicant's request.</i>
<i>Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.</i>
<i>Item was postponed by the City Council on May 14, 2019, May 28, 2019, June 11, 2019, June 25, 2019 and August 13, 2019.</i>

On April 24, 2019 the item was approved by the Planning and Zoning Board with the following conditions:

- 1. The maximum number of business tax receipts for the facility is limited to seven. Notwithstanding the seven issued business tax receipts, no more than three of the seven doctors shall be located at the facility at any given time.*
- 2. Should property be converted to a use other than an endoscopy/gastrointestinal center, the maximum number of business tax receipts shall revert to a maximum of two unless otherwise approved by the City of Hialeah City Commission or otherwise permitted under the City of Hialeah Code.*
- 3. The facility shall provide a valet parking or a parking attendant at a minimum during workdays between the hours of 7:00 a.m. to 12:00 p.m.*
- 4. The facility shall encourage employees to utilize public transportation, drop-off or carpooling.*
- 5. The facility shall maintain and/or provide patients with the name of transportation and or pickup services utilized at the property to encourage patients to use the transportation facilities rather than driving separately to the facility.*

Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.

Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4th Avenue, Hialeah, Florida 33012.

PZ 6. First reading of proposed ordinance granting a variance permit to allow 91.92 feet front setback along NW 102 Avenue, and 126.6 feet front setback along NW 162 Street, where 52 feet is the maximum allowed; allow 0% building frontage along NW 102 Avenue and along NW 162 Street, where 65% is the minimum building frontage required; allow loading and service areas at the front of the building, where loading and service areas are required to be located in the interior blocks; and allow surface parking along NW 162 Street, where surface parking is required in the interior blocks; all contra to Hialeah Code of Ordinances §§ 98-1607.1(c)(3), 98-1607.1(j)(1).a, 98-1607.1(f)(1), and § 98-1607.1(c)(5). **Property located at the northeast corner of NW 102 Avenue and West 108 Street, Hialeah, Florida.** Zoned BDH (Business Development District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
APPROVED 5-1-1

Registered Lobbyist: Kristofer D. Machado, Akerman LLP, 98 SE 7th Street, Suite 1100, Miami, Florida 33131.

On November 12, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

*Owner of the Property: Section 17, LLC- 1525 Gabriel Street, Hollywood, Florida 33020.
Lloyd Moriber, James Horland, Bruce Schwartz, Melvyn Drucker, Norman Klein, Nadine Samter, Brent Samter and Jordan Samter.*

REPORT: Motion to Approve Item PZ 6 made by Councilman Zogby, and seconded by Councilwoman Garcia-Roves. Motion passed 5-1-1 with Councilwoman Perez voting “No” and Council President Hernandez not present during roll call and having recorded his vote as “Yes” after the motion to approve passed. Second reading and public hearing is scheduled for December 10, 2019.

FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-29 that granted an adjustment on the property located at **2689 East 7 Avenue, Hialeah, Florida**; and providing for an effective date.

APPROVED 6-0-1

RESOLUTION NO. 2019-142

On October 23, 2019, the Planning and Zoning Board approved this item.

Planner’s Recommendation: Approval.

Owner of the Property: Clemente Pablo Mendoza & Olga C. Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.

REPORT: Motion to Approve Item FD 1 made by Councilman Tundidor, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council President Hernandez not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-30 that granted an adjustment on the property located at **127 East 45th Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 6-0-1

RESOLUTION NO. 2019-143

On October 23, 2019, the Planning and Zoning Board approved this item with conditions: the setback reduction to allow 5.1 east side setback for a distance of 19 feet could be approved since it is minimal. The adjustment could be approved with the condition that all plumbing will be completely removed, and the accessory building will be used as a playroom or storage and that the legalization will be completed within 180 days.

Planner’s Recommendation: Approval with the condition.

Owner of the Property: Yoel Leyva, 3911 NW 11 Street, Miami, Florida 33126.

REPORT: Motion to Approve Item FD 2 made by Councilman Zogby, and seconded by Councilman Tundidor. Motion passed 6-0-1 with Council President Hernandez not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

FD 3. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-31 that granted an adjustment on the property located at **240, 250 and 260 East 5 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 6-0-1

RESOLUTION NO. 2019-144

On October 23, 2019, the Planning and Zoning Board approved this item.

Planner’s Recommendation: Approval.

*Owner of the Property: Odelmys Bello, 2373 SW 132 Way, Davie, Florida 33325.
Sarepta III, 240 East 5th Street, Hialeah, Florida 33010.
Salmos 23V, 240 East 5th Street, Hialeah, Florida 33010.*

REPORT: Motion to Approve Item FD 3 made by Councilman Zogby, and seconded by Council Vice President De la Rosa. Motion passed 6-0-1 with Council President Hernandez not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

FD 4. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-32 that granted an adjustment on the property located at **480 West 39 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 6-0-1

RESOLUTION NO. 2019-145

On October 23, 2019, the Planning and Zoning Board approved this item with conditions: the reduced setback could be approved given that is the continuation of a legal nonconforming setback established in 1961. However, it should be approved with the condition that the exterior west side door of the addition is removed and the legalization is completed within 180 days.

Planner’s Recommendation: Approval with conditions.

Owner of the Property: Iris Alonso, 480 West 39 Street, Hialeah, Florida 33012.

REPORT: Motion to Approve Item FD 4 made by Councilman Zogby, and seconded by Council Vice President De la Rosa. Motion passed 6-0-1 with Council President Hernandez not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

REPORT: Council President Hernandez returned to the meeting at 10:38 p.m.

FD 5. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-33 that granted an adjustment on the property located at **874 West 69 Place, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2019-146

On October 23, 2019, the Planning and Zoning Board approved this item with conditions: the adjustment could be approved with the condition that dense landscaping such as Cocoplum to be kept at a height of 6 feet be installed along the south property line, in order to mitigate the sound impact to the adjacent home to the south.

Planner's Recommendation: Approval with conditions.

*Owner of the Property: Yanelis Rey Bentancourt, 874 West 69 Place, Hialeah, Florida 33014.
Cetsmir Perez, 874 West 69 Place, Hialeah, Florida 33014.*

REPORT: Cetsmir Perez, 874 West 69 Place, addressed the City Council regarding this item.

REPORT: Debora Storch, Director of Planning and Zoning Division, City of Hialeah, addressed the City Council.

REPORT: Motion to Approve Item FD 5 made by Councilwoman Perez, and seconded by Councilman Tundidor. Motion passed 7-0.

LAND USE

LU 1. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to High Density Residential. **Property located at 381 East 50 Street, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-1-0

Registered Lobbyist: L. Michael Osman, 1474 A-West 84 Street, Hialeah, Florida 33014.

On November 12, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

*Owner of the Property: Bienvenida Perez, 8144 NW 163 Terrace, Miami Lakes, Florida 33016.
Jorge A. Perez, 8144 NW 163 Terrace, Miami Lakes, Florida 33016.*

REPORT: Michael Osman, 1474 A-West 84 Street, addressed the City Council regarding this item.

REPORT: Mike Ruiz, architect, 18501 Pines Blvd, addressed the City Council regarding this item.

REPORT: Motion to Approve Item LU 1 made by Councilman Tundidor, and seconded by Councilman Zogby. Motion passed 6-1-0 with Councilwoman Perez voting "No". Second reading and public hearing is scheduled for December 10, 2019.

- LU 2.** First reading of proposed ordinance amending the Future Land Use Map from Commercial to Transit Oriented Development District. **Property located at 995 East 25 Street, Hialeah, Florida**, zoned C-2 (Liberal Retail Commercial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
POSTPONED UNTIL DECEMBER 10, 2019.

On November 12, 2019, the item was approved by the Planning and Zoning Board with the condition that the owner's consent letter is provided before the City Council meeting on November 26th, 2019.

Planner's Recommendation: Approval.

Owner of the Property: MF Investments, LLC, Maria C. Fernandez and Raquel Fernandez 18520 NW 67 Avenue, Suite 265, Hialeah, Florida 33015.

- LU 3.** First reading of proposed ordinance amending the Future Land Use Map from Industrial to Transit Oriented Development District. **Property located at 1101 East 33 Street, Hialeah, Florida**, zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
APPROVED 6-1-0

Registered Lobbyist: Javier L. Vazquez, 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131.

On November 12, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

*Owner of the Property: George H. Scholl and Dione Del Monico, 334 Atlantic Isle, Sunny Isles Beach, Florida 33160.
Steven Rhodes, 8 Farrey Lane, Miami Beach, Florida 33139.*

REPORT: Javier Vazquez, 1450 Brickell Avenue, addressed the City Council.

REPORT: Motion to Approve Item LU 3 made by Council Vice President De la Rosa, and seconded by Council President Hernandez. Motion passed 6-1-0 with Councilwoman Perez voting “No”. Second reading and public hearing is scheduled for December 10, 2019.

- LU 4.** Recommendation of denial by the Planning and Zoning Board to amend the Future Land Use Map from Residential Office to Medium Density Residential. **Property located at 840 and 860 SE 8th Avenue, Hialeah, Florida, zoned R-1 (One Family District).**
APPROVED 5-2-0

On November 12, 2019, the item was denied by the Planning and Zoning Board.

Planner’s Recommendation: Approval.

*Owner of the Property: Mitchell Sabina (New Spot, LLC) 7767 NW 146 Street, Miami Lakes, Florida 33016.
Michael Osman (Oakswood on Main, LLC) 147- A West 84 Street, Hialeah, Florida 33014*

REPORT: Michael Osman, 147- A West 84 Street, addressed the City Council regarding this item.

REPORT: Roberto Poantor, 794 SE 8th Street, addressed the City Council in favor of the approval of this item.

REPORT: Motion to Override the Recommendation of Denial of the Planning and Zoning Board made by Council President Hernandez, and seconded by Councilman Zogby. Motion passed 5-2-0 with Council Vice President De la Rosa and Councilwoman Perez voting “No”. First reading is scheduled for December 10, 2019.

REPORT: Meeting with adjourned by Councilwoman Cue-Fuente at 11:36 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, December 10, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 11, 2019 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by

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the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).